

Service Date: November 9, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF Touch America, Inc.'s	)	
Petition for Arbitration Pursuant to	)	UTILITY DIVISION
Section 252(b) of the Telecommunications Act	)	
of 1996 of the Terms and Conditions of	)	DOCKET NO. D2000.8.124
Interconnection with Qwest Corporation, f/k/a	)	
U S WEST Communications, Inc.	)	ORDER NO. 6279a

**PROTECTIVE ORDER**

On November 1, 2000 Qwest Corporation (Qwest) filed an application for protective order to govern certain information expected to be filed in this proceeding. Qwest requests protection of information relating to the following categories:

1. Qwest's procedures for identifying and measuring internet traffic separately from other types of traffic;
2. The volumes and types of traffic exchanged between Touch America and Qwest and between competitive local exchange carriers in Montana and Qwest;
3. Amounts of access revenues Qwest has lost in Montana as the result of the FCC's enhanced service provider exemption; and
4. Touch America's business plans for serving ISPs in Montana and collecting reciprocal compensation for internet traffic.

Qwest argues that the identified information is trade secret in accordance with § 30-14-402, MCA.

The Montana Public Service Commission (Commission) determines that the identified information could be confidential and subject to protection from public disclosure pursuant to § 69-3-105, MCA. Therefore, the Commission grants Qwest's application and hereby orders that information submitted in accordance with this order be treated as confidential information under the terms of this order and Commission protective order rules, ARM 38.2.5001 – 5030.

Requests to extend this order to govern information not covered by the identified categories should be made pursuant to ARM 38.2.5010.

DONE AND DATED this 6th day of November, 2000, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chair

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NANCY MCCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

NOTE: Reconsideration of this order is not allowed. ARM 38.2.5008(2); ARM 38.2.4806(7). A challenge to this order may be made pursuant to ARM 38.2.5008(3).

Montana Public Service Commission  
Protective Orders and Protection of Confidential Information

## Nondisclosure Agreement

(7-26-00)

ARM 38.2.5012

Docket No. D2000.8.124, Order No. 6279a  
Order Action Date: November 6, 2000

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

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Typed or Printed Name

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Signature

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Date of Signature

Business Address:

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Employer

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Party Represented